

REMARKS

1. Rejection of Claims 1 and 3 under 35 U.S.C. 102(b):

Claims 1 and 3 were rejected under 35 U.S.C. 102(b) as being anticipated by Gilbert et al. (U.S. Patent No. 4, 704,849). In response, Claim 1 has been amended to recite that the extension arm is straight and the second clamp member originally recited in Claim 3, now cancelled. Support for term 'straight' is found in Figs 1-4. In view of the cancellation of Claim 3, the dependency of Claims 4 and 5 have been changed to Claim 1. The Applicant now requests reconsideration.

The Applicant submits that Claim 1 (Currently Amended) is clearly distinguishable over Gilbert et al.

MPEP §2131 provides:

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. Of California*, 814 F.2d 628, 631 2 USPQ 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as contained in the ...claim."

Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Gilbert et al. discloses a four wheel carriage for supporting a lawn trimmer. The carriage includes a yoke that extends between two vertical, inverted, <u>u-shaped</u> frame

members located on opposite sides of the line trimmer. Two wheels are attached to the

opposite ends of each u-shaped frame member to support the head of the line trimmer above the ground. The pole of the line trimmer extends through a hole formed on a yoke that extends transversely between the two frame members. By adjusting the length of the pole in the yoke, the user is able to raise and lower the line trimmer above the ground.

In Claim 1, two clamp members are recited. The first clamp member is used to attach the extension arm to the trimmer's main pole. By moving the first clamp member longitudinally along the maim pole, the <u>distance between the wheel and the trimmer head</u> may be adjusted.

The second clamp member now recited in Claim 1 is used to adjust both the length of the extension arm between the trimmer head and the first clamp member and the pitch of the extension arm relative to the main pole. According to the Examiner, the second clamp member is functionally equivalent to the pins 30 and 38 and wing nuts 40 shown in Fig. 7. The Applicant disagrees. Pins 30, 38 and clutch plate 34 allow the yoke 12 to slightly rotate between the two side frame members (see Column 3, lines 9-21). The pins 30, 38 and wing nuts 40 also allow adjustment of the location of the yoke with respect to the frame members (see Col. 3, lines 27-30). By rotating the yoke, the trimmer head can be tilted forward or reward. By moving the yoke to different locations on the two frame members, the trimmer head is moved fore or aft positions inside the carriage.

The pins 30, 38 and wing nuts 40 are not functionally equivalent to the second clamp member because they do NOT simultaneously allow length adjustment of the frame member with respect to the trimmer head and allow pitch adjustment of the frame member relative to the main pole. These two adjustments are very important because they allow an individual to comfortably hold the main pole at a constant angle. These two adjustments are necessary

because only one wheel assembly is provided on Applicant's invention.

In <u>Gilbert et al</u>, the pins 30, 38, and nuts 40 allow the angle of the yoke (functionally equivalent to the first clamp member) relative to the frame members to be adjusted. When the pins 30 and 38 are moved to different holes on the frame members, the frame members themselves do not automatically change their pitch with respect to the main pole. In order to change their pitch with respect to the main pole, the angle of the yoke (the first clamp member) must first be changed. In Applicant's accessory, the first clamp member does not have to be adjusted when the second clamp member is adjusted.

For the above reasons, the structural limitations of Claim 1 are not found in <u>Gilbert et al</u>, and should be withdrawn.

2. Rejection of Claims 2, 4, 8, and 12-13 under 35 U.S.C. 103(a):

Claims 2, 4, 8 and 12-13 were rejected under 35 U.S.C. 103(a) as being obvious based on Gilbert et al in view of Smith (U.S. Patent No. 5,287,683). According to the Examiner, Gilbert et al. discloses the invention recited in Claim 2 and 8 except for the wheel locks. As noted above, both Claim 1 and 8 have been amended to recite that the extension arm is straight. Since neither Gilbert et al nor Smith disclose nor suggest a straight extension arm, a prima facia case of obviousness is not supported.

As suggested above, the use of a straight extension arm with a wheel assembly attached at its distal end along with two clamping members allows the user to quickly and easily adjust the trimmer so that the trimmer head is comfortably held at a proper angle for cutting. Because only one wheel assembly is used, the user is able to closely position the trimmer head adjacent to the area to be cut. Also, another benefit of using one wheel assembly is that the elevation of the trimmer head closely follows the ground under wheel

1	assembly. Another benefit is that the trimmer head can cut vegetation close to the single
2	wheel assembly.
3	In summary, these benefits should be regarded as unexpected results that support a
4	finding on non-obviousness.
5	For all of the above reasons, the pending claims should now be considered allowable.
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